

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMAAL JOHNATHAN BOMBER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

C23-0305 TSZ  
[related to CR13-187]

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Petitioner Jamaal Johnathan Bomber’s motion pursuant to 28 U.S.C. § 2255, docket no. 5, is DENIED. Petitioner seeks resentencing because three prior convictions for possession or attempted possession of a controlled substance were invalidated as a result of *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021). As the Government aptly argues, however, the calculation of petitioner’s criminal history category did not depend on these now void convictions, but was instead a product of petitioner’s status as a career offender, which has not changed. *See* Presentence Investigation Report ¶ 47 (docket no. 86) (citing U.S.S.G. § 4B1.1(b)). In addition, petitioner is subject to a judgment and sentence (“J&S”) in King County Superior Court Cause No. 13-1-11550-2 SEA, imposing a term of 180 months, to run concurrently with the 144-month sentence as to which petitioner asks for § 2255 relief. *See* J&S, Ex. 1 to Joint Status Report (docket no. 10-1).

(2) Because “jurists of reason” could not conclude that the issues presented are “adequate to deserve encouragement to proceed further,” *see Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *see also* 28 U.S.C. § 2253(c), a certificate of appealability is DENIED.

1 (3) The Clerk is directed to enter judgment consistent with this Minute Order,  
2 to send a copy of the Judgment and this Minute Order to all counsel of record, and to  
CLOSE this case.

3 Dated this 15th day of May, 2022.

4 Ravi Subramanian  
5 Clerk

6 s/Laurie Cuaresma  
7 Deputy Clerk  
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